

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**GLOBAL TECH  
INTERNATIONAL, INC.,  
Plaintiff,**

**CIVIL ACTION NO. 07-CV-13473**

**VS.**

**DISTRICT JUDGE PATRICK J. DUGGAN**

**SULFO TECHNOLOGIES,  
L.L.C.,**

**MAGISTRATE JUDGE MONA K. MAJZOUN**

**Defendant.**

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**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL  
DISCOVERY (DOCKET NO. 17)**

This matter comes before the Court on Plaintiff's Motion to Compel Discovery filed on January 16, 2008. (Docket no. 17). Defendant filed no response to Plaintiff's Motion. This Motion was referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 18). The Court disposes with oral argument on this Motion. E.D. Mich. LR 7.1(e).

Plaintiff brought a declaratory action under the Declaratory Judgment Act and the Patent Laws of the United States seeking a declaration that Defendant's patent is invalid and is not infringed by Plaintiff. (Docket no. 1 ¶ 1). Plaintiff served its First Set of Requests for Production of Documents on Defendant on November 2, 2007. (Docket nos. 17 at 7, 19-2). Plaintiff served its First Set of Interrogatories on Defendant on November 20, 2007. (Docket nos. 17 at 7, 19-3). Defendant did not answer, object or otherwise respond to Plaintiff's discovery requests. (Docket no. 17 at 7). Plaintiff attempted to seek Defendant's concurrence in this motion and was not able to obtain it. (Docket no. 17 ¶ 3).

Fed. R. Civ. P. 26(b) allows for discovery of information that is relevant and not privileged. Under Fed. R. Civ. P. 37(a)(2)(B), the Court can compel discovery if a party fails to answer an interrogatory submitted under Rule 33 or fails to properly respond to a request submitted under Rule 34. Plaintiff served twenty Requests for Production of Documents and fifteen Interrogatories on Defendant.

Defendant failed to respond or object to the Requests for Production and Interrogatories, and Defendant does not allege that the Requests for Production or Interrogatories seek privileged information. Defendant filed no Response to Plaintiff's Motion to Compel. The Court will order Defendant to produce documents responsive to Plaintiff's Requests for Production and answer the Interrogatories as set forth below.

Plaintiff also requests an award of the attorney fees which it incurred to bring this motion.

Fed. R. Civ. P. 37(a)(4) provides that:

If the motion [to compel] is granted or if the disclosure or requested discovery is provided after the motion was filed, the court shall, after affording an opportunity to be heard, require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in making the motion, including attorney's fees, unless the court finds that the motion was filed without the movant's first making a good faith effort to obtain the disclosure or discovery without court action, or that the opposing party's nondisclosure, response or objection was substantially justified, or that other circumstances make an award of expenses unjust.

Defendant did not serve responses, answers or objections to Plaintiff's discovery requests, thus necessitating this Motion. Furthermore, Defendant did not respond to Plaintiff's Motion as required under E.D.Mich. LR 7.1. The Court will grant Plaintiff's Motion as to the request for reasonable expenses including attorneys fees incurred in bringing the Motion.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Compel Discovery to Defendant (docket no. 7) is **GRANTED** and on or before February 29, 2008 Defendant will produce documents responsive to Plaintiff's Request for Production of Documents and answer fully and completely Plaintiff's Interrogatories.

**IT IS FURTHER ORDERED** that Plaintiff's Request for attorneys fees and costs associated with bringing the Motion is **GRANTED** and Plaintiff will provide to the Court on or before February 22, 2008 its bill of costs for reasonable expenses including attorneys fees incurred in bringing this Motion.

#### **NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: February 19, 2008

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

#### **PROOF OF SERVICE**

I hereby certify that a copy of this Opinion and Order was served upon Counsel of Record on this date.

Dated: February 19, 2008

s/ Lisa C. Bartlett  
Courtroom Deputy